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V-S

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/932,784 09/18/97 MCKAIN

J A0521/7125

EXAMINER

LM02/0405

PETER J GORDON
WOLF GREENFIELD & SACKS
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON MA 02210

NGUYEN, H

ART UNIT

PAPER NUMBER

2712

DATE MAILED:

04/05/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/932,784

Applicant(s)
MCKAIN et al

Examiner
HUY NGUYEN

Group Art Unit
2712



☒ Responsive to communication(s) filed on Feb 11, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2712

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washino et al (5,488,433) in view of Fasciano et al (5,715,018).

Art Unit: 2712

Regarding claims 1-2, Washino discloses a motion picture recorder comprising :

- a housing sized to be portable for use by an individual (Fig. 1);
- a motion picture camera mounted in housing , and providing a motion video signal as an output (fig. 1, column 4);
- processing means (column 4, Fig 2) in the housing for processing the motion video signal;
- a converting means for converting the motion video signal into a sequence of the still image (column 4, lines 57-68);
- storage means (88) for storing the sequence of still images (disk drive) .

Washino fails to teach the use of converting for converting the broadcast quality motion signal into a sequence of digital still image and means for reading at least a portion of the sequence of digital still picture to generate a broadcast quality motion signal therefrom.

Fasciano discloses a converting means for converting a broadcast quality motion signal and for storing the converted broadcast quality signal on a random access medium in a computer readable format and means for reading at least a portion of the sequence of digital still images to generate a broadcast quality video signal.

It would have been obvious to one of ordinary skill in the art to modify Washino with Fasciano by using the converting means and storing means as taught by Fasciano in the apparatus of Washino for converting the receiving broadcast quality motion video signal and storing the sequence of still images on a computer readable file format and for generating the broadcast

Art Unit: 2712

quality video motion signal in order to capture and storing the high quality picture for later viewing .

Regarding claim 3 and 4, Washino as modified with Fasciano further teach a video motion picture editing system for editing the motion picture signal (See Washino column 4, lines 13-17 and Fasciano).

Regarding claims 5 and 6 , Washino as modified with Washino teaches further teaches that the digital recording medium comprises a disk drive (See Washino column 4, lines 57-68 and Fasciano (column 3, lines 40-55) which is detachable from the portable housing.

Regarding claim 7 , Washino fails to specifically teach that the portable housing is ruggedized. However, it is noted that ruggedizing a device is well known in the art and also it is required by customer . Therefore it is would have been obvious to one of ordinary skill in the art to make the housing of the recorder of Washino as modified with Fasciano is ruggedized in order to provide the recorder of Washino as modified with Fasciano with more endurance .

Regarding claim 8 , Washino fails to specifically teach a calibrating means fro calibrating the the motion picture signal to a digital video color standard . However, it is noted that using a calibrating means for calibrating a motion picture signal to a video color standard is well known in the art . Therefore Official Notice is taken and it would have been obvious to one of ordinary skill in the art to modify Washino as modified with Fasciano by using a calibrating means in the apparatus of Washino for calibrating the motion picture signal into a video color standard .

Art Unit: 2712

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al (5,579,239) in view of Washino et al (5,488,433).

Regarding claims 1-6, Freeman discloses a recording apparatus for recording motion picture on a random access medium comprising :

a housing which is portable for an individual (column 2, lines 59-68);

converting means (2)(column 2, lines 45-58) within the housing for converting a broadcast quality motion picture signal into a sequence of still images ;

means for storing the sequence of still images on computer readable and writable medium (column 3, lines 1-7, column 4, lines 50-58).

editing means (column 3, lines 1-7) for editing the motion picture signal; and

means for for reading at least a portion of the sequence of digital still images to generate a broadcast quality video signal (column 3, lines 20-25, column 4, lines 5-12 and column 6, lines 50-60).

Freeman further teaches that the motion picture signal from a video camera (1)(column 2, lines 58-60) but fails to specifically teach that the video camera is mounted in the recording apparatus. However, it is noted that an recording apparatus having proceeding and recording/ reproducing part for recording motion picture and a camera part for processing the objected to a motion picture signal and wherein the camera part is mounted to the recording part is well known in the art as taught by as taught by Washino . Therefore it would have been obvious to one of ordinary skill in the art to modify Freeman with the teaching of Washino for mounting the

Art Unit: 2712

camera (1) , converting means and storage means in the same housing in order to easily handle the apparatus in capturing the motion picture for storing, edit and reading the motion picture .

Regarding claim 7, Freeman as modified with Washino fails to specifically teaches that the portable housing is ruggedized.. However , it is noted that ruggedizing a device is well known in the art and also it is required by customer . Therefore it is would have been obvious to one of ordinary skill in the art to make the housing of the recorder of Freeman as modified with Washino is ruggedized in order to provide the recorder of Freeman as modified with Washino with more endurance .

Regarding claim 8, Freeman fails to teaches a calibrating means for calibrating the motion picture to a digital video color standard signal. However, it is noted that using a calibrating means for calibrating motion picture signal to a digital video color standard signal is well known in the art . Therefore Official Notice is taken and it would have been obvious to one of ordinary skill in the art to modify Freeman by using a well known calibrating means in the apparatus of Freeman to calibrating the motion picture signal to a digital video color standard signal.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Nguyen whose telephone number is (703) 305-4775. The examiner can normally be reached on Monday to Friday from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Serial Number: 08/932,784

Page 7

Art Unit: 2712

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

H.N

March 27, 1999


HUY NGUYEN
PRIMARY EXAMINER